

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF PENNSYLVANIA

KAREN CAMESI, ET AL.,

Plaintiffs,

v.

UNIVERSITY OF PITTSBURGH MEDICAL
CENTER, ET AL.,

Defendants.

Civil Action No. 09-CV-85J

Magistrate Judge
Cathy Bissoon

TO BE ELECTRONICALLY
FILED

**PLAINTIFFS' UNOPPOSED MOTION FOR VOLUNTARY
DISMISSAL WITH PREJUDICE FOR PURPOSES OF APPEAL**

Through the undersigned counsel, plaintiffs hereby move the Court for voluntary dismissal of their claims with prejudice in order to secure a final judgment for purposes of appeal. In support of this motion, plaintiffs state as follows:

1. Plaintiffs intend to seek appellate review of the court's previous orders including the Court's December 20, 2011 order decertifying the collective action, and for that purpose plaintiffs seek dismissal of their claims with prejudice in order to obtain a final appealable judgment that will confer appellate jurisdiction over previously non-appealable orders. *See, e.g., Zied v. Astrue*, No. 06-2305, 2010 WL 2804879, at *3 (M.D. Pa. July 15, 2010) (granting motion for voluntary dismissal of the plaintiff's remaining claims in order to permit an appeal of previously non-appealable orders). Plaintiffs therefore move for voluntary dismissal of their claims with prejudice pursuant to Rule 41(a)(2).

2. Rule 41(a)(2) provides that unless the parties stipulate to dismissal, “an action may be dismissed at the plaintiff’s request only by a court order, on terms that the court considers proper.”

3. Defendants have indicated that they “will not oppose plaintiffs’ dismissal, but believe that should be done by motion,” rather than by stipulation. *See Ex. A* (e-mail correspondence from John J. Myers to J. Nelson Thomas, dated January 13, 2012).

WHEREFORE, plaintiffs respectfully request dismissal with prejudice of all their claims for the purpose of pursuing an appeal.

Dated January 27, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2012, a copy of plaintiffs' Unopposed Motion for Voluntary Dismissal with Prejudice for Purposes of Appeal, along with all exhibits and a proposed order, were filed electronically and served by mail on anyone unable to accept electronic filing. Notice of these filings will be sent by email to all parties as addressed below, by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

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